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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,046	02/28/2002	Brian D. Fiut	10020057-1	6491

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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EXAMINER

NGUYEN, DUC MINH

ART UNIT PAPER NUMBER

2643

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,046

Applicant(s)

FIUT ET AL.

Examiner

Duc Nguyen

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-27 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 12-13, 18, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Johnson et al (5,907,800).

Consider claims 1-2, 12-13, 21-22. Menon teaches a method and system for monitoring a base station in a wireless communication network from a location remote to the base station, comprising acquiring at a monitoring probe arranged local to a base station measurement data for at least one network link parameter of the base station, measurement data for at least one wireless link parameter of the base station, and measurement data for at least one operational parameter of the base station (page 15, paragraphs [0224]-[0228]); and communicating the data from the monitoring probe to a processor-based device arranged remote from the base station (wireless access system 10 or 101, page 15, [0228]).

Menon does not clearly teach formatting the measurement data for the at least one network link parameter, the measurement data for the at least one wireless link parameter, and the measurement data for the at least one operational parameter into a uniform format; and communicating, in the uniform format, the data from the monitoring probe to a processor-based device arranged remote from the base station.

Art Unit: 2643

Johnson teaches formatting data from a variety of format into a uniform format (e.g. converting from CDR, CIBER and other formats to CCF format; column(s) 7, line(s) 1 through column(s) 8, line(s) 24) for the purpose of supporting more than one external data source (column(s) 7, line(s) 1 through column(s) 8, line(s) 24).

Consider claims 3, 18. Menon, page 33, claim 24 and page 34, claim 27 read on the limitations of claims 3, 18.

3. Claims 5-7, 9, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Johnson et al (5,907,800) as applied to claims 1-3, 12-13, 18, 21-22 above, and further in view of Breed (5,489,914)

Consider claims 5-7, 9, 19. Menon in view of Johnson does not clearly teach antenna measurement comprises swept return loss measurement.

Breed teaches antenna measurement comprises swept return loss measurement (col. 6, ln. 65 to col. 7, ln. 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Breed into the teachings of Menon in view of Johnson, so that multiple frequency operation is achieved without the use of reactive components or large structures.

4. Claims 8, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Johnson et al (5,907,800) as applied to claims 1-3, 12-13, 18, 21-22 above, and further in view of Mailandt et al (4,823,280).

Art Unit: 2643

Consider claims 8, 20. Menon in view of Johnson does not teach the measurement comprising temperature, flooding, fire, alarm, power, etc.

Mailandt teaches the measurement comprising temperature, flooding, fire, alarm, power, etc. (abstract; col. 2, ln. 3-19; col. 13, ln. 15-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Mailandt into the teachings of Menon in view of Johnson in order to provide an improved system monitor to give accurate information continuously from which soft failures can be detected and repaired prior to actual system failure, thereby reducing system down time.

5. Claims 10-11, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Johnson et al (5,907,800) as applied to claims 1-3, 12-13, 18, 21-22 above, and further in view of Barshefsky et al (6,385,609).

Consider claims 10-11, 16-17. Menon in view of Johnson does not teach using a user interface for accessing the measurement data received by the processing-based device.

Barshefsky teaches using a user interface for accessing the measurement data received by the processing-based device (figs. 1 and 3, col. 3, ln. 59-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Barshefsky into the teachings of Menon in view of Johnson in order to provide an improved system monitor to give accurate information continuously from which soft failures can be detected and repaired prior to actual system failure, thereby reducing system down time.

6. Claims 14-15, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Johnson et al (5,907,800) as applied to claims 1-3, 12-13, 18, 21-22 above, and further in view of Wiczer (US2002/0147936A1).

Consider claims 14-15, 23-24. Menon in view of Johnson does not teach the use of Smart Transducer Interface Module (STIM), Network Capable Application Processor (NCAP) and IEEE 1451.X standards.

Wiczer teaches the use of Smart Transducer Interface Module (STIM), Network Capable Application Processor (NCAP) and IEEE 1451.X standards (abstract; page 1, [0003], [0013]-[0015]; page 2, [0023]-[0025]; page 2, [0028]; page 4, [0042]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Wiczer into the teachings of Menon in view of Johnson in order to provide an improved system monitor to give accurate information continuously from which soft failures can be detected and repaired prior to actual system failure, thereby reducing system down time.

7. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Johnson et al (5,907,800) as applied to claims 1, 12, 21 above, and further in view of Anvekar et al (US 2005/0233759).

Consider claims 25-27. Menon in view of Johnson does not teach that the uniform format is a mark-up language readable with a web browser.

Anvekar teaches that the uniform format is a mark-up language readable with a web browser (§ 0039, 0045 and 0077) for the purpose of (e.g., with XML, customized tags and other overlay data, are added to the raw SM contents to enable value addition functions to be performed efficiently) (page(s) 3, § 0045).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Anvekar into the teachings of Menon et al in view of Johnson for the purpose mentioned above.

Allowable Subject Matter

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 10/3/05 have been fully considered but they are not persuasive.

Regarding the Menon reference, applicant states that Menon does not teach acquiring at a monitoring probe arranged local to a base station each of the recited measurements data recited by claim 1 (i.e., for a network link parameter, wireless link parameter, and operational parameter). Applicant goes on	In contrast to applicant's assertions, § [0224-0226] clearly disclose the base station 30 generates and maintains hardware/software/firmware status of itself. Furthermore, base station 30 performs self-testing in order to verify it respective correct operations. These two above elements clearly
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<p>with arguments that Menon does not teach that the measurement collection functionality of the base station includes acquiring measurement data for each of a network link parameter, wireless link parameter, and operational parameter.</p>	<p>meet the limitation acquiring measurement data for at least one operational parameter of the base station 30. Now turning to ¶ [0227], this paragraph clearly discloses that the base station 30 performs a measurement collection functionality which determines the up-link radio quality and signal strength on each base station 30, i.e., but not limited to busy, over-the-air channels, the signal strength on idle, etc. Therefore, the limitations of acquiring measurement data for at least one network link parameter of the base station and acquiring measurement data for at least one wireless link parameter of the base station are met by the disclosure of ¶ [0227]. It is noted that LINK is a physical layer communication path between adjacent network nodes. It is also noted that CHANNEL is communication path, which may send in one direction only (simplex); or both directions alternating (half-duplex); or both directions simultaneously (full-duplex). Most advanced networks today (such as ISDN,</p>
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	<p>Frame Relay, and ATM) support full-duplex channels.</p> <p>(1) In telephone networks, a constant bit-rate physical channel, such as a DS0 within a DS1. The DS1 is said to be channelized. The most popular, fundamental channel in digital networks is a DS0 at 64 Kb/s.</p> <p>(2) In data networks, a virtual channel.</p> <p>(3) In radio, a band of radio frequencies wide enough to permit a single radio communication to be established, either broadcast or half-duplex. Occasionally, a technology like TDD allows a single channel to support full-duplex; but usually two distinct simplex channels are combined to construct a full-duplex channel.</p> <p>(4) In television, the 6 MHz band of frequency allocated to each separate television signal (when using traditional broadcast methods).</p> <p>Also used to describe any of the discrete signals in alternative delivery methods of television distribution (such as Cable TV or DBS). Copyright © 1995-1998 TRA - All</p>
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	rights reserved. Therefore, the uplink and channels read on the network link of the base station or wireless link of the base station. The Link and/or channels also read on the T1/E1 physical interface between the base station and the WARP.
	In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., common monitoring probe) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See <i>In re Van Geuns</i> , 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).


Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (571) 272-7503. The examiner can normally be reached on 7:00AM-3: 30PM.

Art Unit: 2643

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Duc Nguyen
Primary Examiner
Art Unit 2643

1/2/06